Garner Exhibit No. 1; Liebeler; Jesse Garner's affidavit 1/5/68
Harold Weisberg

Earlier memos and writing bring out that although Jesse J. Garner's affidavit was dated a month after his wife's deposition, somehow, in that deposition, when she is shown the picture that is Garner Exhibit No. 1 (from the WWL film of his ITK-8/16-63 operation), it is identified as part of the affidavit of her husband.

But that affidavit did not and for the ensuing month did not exist. We therefore have Liebeler offering a witness as part of the evidence what was not, in fact, part of it in any way. (He also, without correction, allowed her inaccurate testimony on where this picture was taken to stand.)

I took this strange situation up with the Archives, asking, among other things, if the files showed an earlier affidavit by Garner than the one published. The response was in the negative.

I have now obtained from the Archives these two things: the reverse side of the picture, which has been cut to remove something unknown, for which I have written and asked; and a letter drafted 4/23/64, by Wesley J. Liebeler [illegible] J. Lee Rankin's signature, which was then dated May 1, indicating that Garner had then agreed to an affidavit which Liebeler subsequent to his wife's testimony drafted for his signature. It is unchanged, the way Liebeler, from this great distance, drafted it. I also have a Xeroxed copy of the printed affidavit.

Of course, this is a strange procedure, one not sanctioned by any rule of evidence of which I have heard, one not at all necessary, certainly as not what Liebeler teaches as professor of law. It was in no sense necessary, for he could as readily have offered it for the record when he was deposing Mrs. Garner, as he did a month before her husband's affidavit. This was not only proper; it was easier, which makes what he did do less comprehensible. Then caring nothing about the impossible record it left, he made not effort to explain it in either the record or the files. On top of all of this, he not only failed to identify the source, even the date of the picture, allowed the error that is so misleading to stand without correction, and used a cropped version of the picture so that, as published in the record, it is impossible to identify the place or time it was taken, which is not difficult in the unedited version.

On the reverse side of the picture, however, there is typed the legend, "Lee Harvey Oswald passing out circulars 8-16-63 in New Orleans". It is Secret Service Control 200, part of CE67. This reverse side and the letter are attached. Also enclosed is the report of which it is part, a letter I have written the Archivist, another I have written the news director of the New Orleans TV stations, and a copy of the Archivists long-delayed letter to me.